



General Assembly

**Bill No. 5048**

February Session, 2006

LCO No. 811

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Referred to Committee on Transportation

Introduced by:

REP. WARD, 86<sup>th</sup> Dist.

SEN. DELUCA, 32<sup>nd</sup> Dist.

**AN ACT CONCERNING COMMERCIAL MOTOR VEHICLE SAFETY  
AND MOTOR VEHICLE REGISTRATION STICKERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (13) of subsection (a) of section 14-1 of the  
2 2006 supplement to the general statutes is repealed and the following  
3 is substituted in lieu thereof (*Effective July 1, 2006*):

4 (13) "Commercial motor vehicle" means a vehicle designed or used  
5 to transport passengers or property, except a vehicle used [within one  
6 hundred fifty miles of a farm in connection with the operation of such  
7 farm] for farming purposes in accordance with 49 CFR 383.3(d), fire  
8 fighting apparatus or [other authorized emergency vehicles] an  
9 emergency vehicle, as defined in section 14-283 of the 2006 supplement  
10 to the general statutes, or a recreational vehicle in private use, which  
11 (A) has a gross vehicle weight rating of twenty-six thousand and one  
12 pounds or more, or gross combination weight rating of twenty-six  
13 thousand and one pounds or more, inclusive of a towed unit or units  
14 with a gross vehicle weight rating of more than ten thousand pounds;

15 (B) is designed to transport sixteen or more passengers, including the  
16 driver, or is designed to transport more than ten passengers, including  
17 the driver, and is used to transport students under the age of twenty-  
18 one years to and from school; or (C) is transporting hazardous  
19 materials and is required to be placarded in accordance with 49 CFR  
20 172, Subpart F, as amended, or any quantity of a material listed as a  
21 select agent or toxin in 42 CFR Part 73.

22 Sec. 2. Subdivision (18) of subsection (a) of section 14-1 of the 2006  
23 supplement to the general statutes is repealed and the following is  
24 substituted in lieu thereof (*Effective July 1, 2006*):

25 (18) "Conviction" means an unvacated adjudication of guilt, or a  
26 determination that a person has violated or failed to comply with the  
27 law in a court of original jurisdiction or an authorized administrative  
28 tribunal, an unvacated forfeiture of bail or collateral deposited to  
29 secure the person's appearance in court, the payment of a fine or court  
30 cost, including payment to the Centralized Infractions Bureau in  
31 accordance with section 51-164n of the 2006 supplement to the general  
32 statutes or 51-164o, or violation of a condition of release without bail,  
33 regardless of whether or not the penalty is rebated, suspended or  
34 probated.

35 Sec. 3. Subdivision (32) of subsection (a) of section 14-1 of the 2006  
36 supplement to the general statutes is repealed and the following is  
37 substituted in lieu thereof (*Effective July 1, 2006*):

38 (32) "Gross vehicle weight rating" or "GVWR" means the value  
39 specified by the manufacturer as the maximum loaded weight of a  
40 single or a combination (articulated) vehicle. [, or its registered gross  
41 weight, whichever is greater.] The GVWR of a combination  
42 (articulated) vehicle commonly referred to as the "gross combination  
43 weight rating" or GCWR is the GVWR of the power unit plus the  
44 GVWR of the towed unit or units.

45 Sec. 4. Subdivision (34) of subsection (a) of section 14-1 of the 2006

46 supplement to the general statutes is repealed and the following is  
47 substituted in lieu thereof (*Effective July 1, 2006*):

48 (34) "Hazardous materials" has the same meaning as in [Section 103  
49 of the Hazardous Materials Transportation Act, 49 USC 1801 et seq.] 49  
50 CFR 383.5.

51 Sec. 5. Section 14-44e of the general statutes is repealed and the  
52 following is substituted in lieu thereof (*Effective July 1, 2006*):

53 (a) The commissioner shall not issue a commercial driver's license to  
54 any person unless such person is a resident of this state and has passed  
55 a knowledge and skills test for driving a commercial motor vehicle  
56 which complies with the minimum federal standards established by 49  
57 CFR 383, Subparts G and H, as amended, and has satisfied all other  
58 requirements of this section and sections 14-44b, 14-44c and 14-44g, in  
59 addition to other requirements for an operator's license imposed by the  
60 general statutes and regulations of the commissioner.

61 (b) The commissioner shall not issue a commercial driver's license to  
62 any person who has a physical or psychobehavioral impairment that  
63 affects such person's ability to operate a commercial motor vehicle  
64 safely. In determining whether to issue a commercial driver's license in  
65 any individual case, the commissioner shall apply the standards set  
66 forth in 49 CFR 391.41, as amended, unless it is established that the  
67 person will operate such vehicle only in this state, in which case the  
68 commissioner shall apply the standards set forth in this chapter and in  
69 regulations adopted thereunder. Any person who is denied a  
70 commercial driver's license, or whose license is suspended, revoked or  
71 cancelled pursuant to this subsection shall be granted an opportunity  
72 for a hearing in accordance with the provisions of chapter 54.

73 (c) The commissioner may waive the skills test required under  
74 subsection (a) of this section in the case of an applicant for a  
75 commercial driver's license who meets the requirements of 49 CFR  
76 383.77, as amended or, in the case of an applicant for a school bus

77 endorsement who meets the requirements of 49 CFR 383.123, as  
78 amended.

79 (d) A commercial driver's license shall not be issued to any person  
80 subject to disqualification from driving a commercial motor vehicle or  
81 subject to suspension, revocation or cancellation of operating  
82 privileges in any state. Each applicant for an endorsement to drive a  
83 vehicle transporting hazardous materials shall be subject to the  
84 requirements of 49 USC 5103a, as administered by the United States  
85 Transportation Security Administration. The commissioner may refuse  
86 to issue a hazardous materials endorsement, or may suspend or revoke  
87 any such endorsement, held by any person who is the subject of a  
88 notification received from the Transportation Security Administration,  
89 in accordance with the provisions of 49 CFR 1572.5, as amended.

90 (e) An operator's license shall not be issued to any person who holds  
91 an operator's license issued by any other state, unless such person first  
92 surrenders such license or licenses to the commissioner. The  
93 commissioner shall return every license surrendered hereunder to the  
94 issuing state for cancellation.

95 (f) The commissioner may refuse to issue a commercial driver's  
96 license, or may issue a commercial driver's license subject to  
97 compliance with such condition as the commissioner may prescribe, to  
98 any person whose motor vehicle operator's license, privilege to operate  
99 a motor vehicle in this state or license endorsement is under  
100 suspension or is subject to any pending action that may result in a  
101 suspension, or if such person's official driving record evidences that  
102 such person has been convicted of more than three moving or  
103 suspension violations, as provided in section 14-111g or convictions of  
104 a substantially similar nature in any other state within the preceding  
105 three years.

106 ~~[(f)]~~ (g) The commissioner may issue a commercial driver's  
107 instruction permit to any person who holds a valid operator's license.  
108 Said permit may not be issued for a period to exceed six months. Only

109 one renewal or reissuance may be granted within a two-year period.  
110 The holder of a commercial driver's instruction permit, may, unless  
111 otherwise disqualified, drive a commercial motor vehicle only when  
112 accompanied by the holder of a commercial driver's license with  
113 appropriate endorsements for the type of vehicle being driven who  
114 occupies a seat beside the individual for the purpose of giving  
115 instruction in driving the commercial motor vehicle.

116 Sec. 6. Section 14-44k of the 2006 supplement to the general statutes  
117 is repealed and the following is substituted in lieu thereof (*Effective*  
118 *July 1, 2006*):

119 (a) A driver who is disqualified or subject to an out-of-service order  
120 shall not drive a commercial motor vehicle. An employer shall not  
121 knowingly permit or require a driver who is disqualified to drive a  
122 commercial motor vehicle.

123 (b) In addition to any other penalties provided by law, and except as  
124 provided in subsection (d) of this section, a person is disqualified from  
125 operating a commercial motor vehicle for one year if convicted of one  
126 violation of (1) operating any motor vehicle while under the influence  
127 of intoxicating liquor or drugs or both under section 14-227a, as  
128 amended, (2) operating a commercial motor vehicle while having a  
129 blood alcohol concentration of four-hundredths of one per cent, or  
130 more, (3) evasion of responsibility [, involving a commercial motor  
131 vehicle,] under section 14-224, (4) using any motor vehicle in the  
132 commission of any felony, as defined in section 14-1, as amended, (5)  
133 operating a commercial motor vehicle while the operator's commercial  
134 driver's license is revoked, suspended or cancelled, or while the  
135 operator is disqualified from operating a commercial motor vehicle, or  
136 (6) causing a fatality through the negligent or reckless operation of a  
137 commercial motor vehicle, as evidenced by a conviction of a violation  
138 of section 53a-56b, 53a-57, 53a-60d or 14-222a.

139 (c) In addition to any other penalties provided by law, and except as  
140 provided in subsection (d) of this section, a person is disqualified from

141 operating a commercial motor vehicle for one year if the commissioner  
142 finds that such person has refused to submit to a test to determine such  
143 person's blood alcohol concentration while operating any motor  
144 vehicle, or has failed such a test when given, pursuant to the  
145 provisions of section 14-227b, as amended, or pursuant to the  
146 provisions of a law of any other state that is deemed by the  
147 commissioner to be substantially similar to section 14-227b, as  
148 amended. For the purpose of this subsection, a person shall be deemed  
149 to have failed such a test if, when driving a commercial motor vehicle,  
150 the ratio of alcohol in the blood of such person was four-hundredths of  
151 one per cent or more of alcohol, by weight, or if, when driving any  
152 other motor vehicle, the ratio of alcohol in the blood of such person  
153 was eight-hundredths of one per cent or more of alcohol, by weight.

154 (d) If a person commits any of the disqualifying offenses identified  
155 in subsection (b) of this section or is the subject of a finding by the  
156 commissioner under subsection (c) of this section while driving a  
157 vehicle transporting hazardous materials, required to be placarded  
158 under the Hazardous Materials Transportation Act, 49 USC 1801 to  
159 1813, inclusive, as amended, such person shall be disqualified for a  
160 period of three years.

161 (e) In addition to any other penalties provided by law, a person is  
162 disqualified from operating a commercial motor vehicle for (1) sixty  
163 days if convicted of failure to stop at a railroad grade crossing, in  
164 violation of section 14-249, as amended, or 14-250, as amended, while  
165 operating a commercial motor vehicle, (2) one hundred twenty days if  
166 convicted of a second violation of section 14-249, as amended, or 14-  
167 250, as amended, while operating a commercial motor vehicle, and (3)  
168 one year if convicted of a third or subsequent violation of section 14-  
169 249, as amended, or 14-250, as amended, while operating a commercial  
170 motor vehicle, during any three-year period.

171 (f) In addition to any other penalties provided by law, a person is  
172 disqualified from operating a commercial motor vehicle for a period of

173 not less than sixty days if convicted of two serious traffic violations, as  
174 defined in section 14-1, as amended, or one hundred twenty days if  
175 convicted of three serious traffic violations, committed while operating  
176 any motor vehicle arising from separate incidents occurring within a  
177 three-year period. The period of any disqualification for a subsequent  
178 offense imposed under this subsection shall commence immediately  
179 after the period of any other disqualification imposed on such person.

180 (g) Any person who uses any motor vehicle in the commission of a  
181 felony involving the manufacture, distribution or dispensing of a  
182 controlled substance shall be disqualified for life.

183 (h) A person is disqualified for life if such person commits two or  
184 more of the offenses specified in subsection (b) of this section, or if  
185 such person is the subject of two or more findings by the commissioner  
186 under subsection (c) of this section, or any combination of those  
187 offenses or findings, arising from two or more separate incidents. A  
188 person is disqualified for life if the commissioner takes suspension  
189 actions against such person for two or more alcohol test refusals or test  
190 failures, or any combination of such actions, arising from two or more  
191 separate incidents. Any person disqualified for life, except a person  
192 disqualified under subsection (g) of this section, who has both  
193 voluntarily enrolled in and successfully completed an appropriate  
194 rehabilitation program, as determined by the commissioner, may  
195 apply for reinstatement of such person's commercial driver's license,  
196 provided any such applicant shall not be eligible for reinstatement  
197 until such time as such person has served a minimum disqualification  
198 period of ten years. If a person whose commercial driver's license is  
199 reinstated is subsequently convicted of another disqualifying offense,  
200 such person shall be permanently disqualified for life and shall be  
201 ineligible to reapply for a reduction of the lifetime disqualification.

202 (i) (1) Except as provided in subdivision (2) of this subsection, any  
203 person who violates an out-of-service order shall be disqualified from  
204 operating a commercial motor vehicle: (A) For a period of not less than

205 ninety days or more than one year for a first violation; (B) for a period  
206 of not less than one year or more than five years for a second violation  
207 during any ten-year period, where such violations arose from separate  
208 incidents; and (C) for a period of not less than three years or more than  
209 five years for a third or subsequent violation during any ten-year  
210 period, where such violations arose from separate incidents.

211 (2) Any person who violates an out-of-service order while driving a  
212 vehicle transporting hazardous materials, required to be placarded  
213 under the Hazardous Materials Transportation Act, 49 USC 1801 to  
214 1813, inclusive, or a commercial motor vehicle designed to transport  
215 sixteen or more passengers, including the driver, shall be disqualified  
216 from operating a commercial motor vehicle: (A) For a period of not less  
217 than one hundred eighty days or more than two years for a first  
218 violation, and (B) for a period of not less than three years or more than  
219 five years for a second or subsequent violation during any ten-year  
220 period, where such violations arose from separate incidents.

221 (3) In addition to the penalties provided in subdivision (1) or (2) of  
222 this subsection, any person who violates an out-of-service order shall  
223 be subject to a civil penalty of not less than one thousand one hundred  
224 dollars or more than two thousand seven hundred fifty dollars.

225 (j) Any holder of a commercial driver's license whose driving is  
226 determined by the Federal Motor Carrier Safety Administration to  
227 constitute an imminent hazard, as defined in section 14-1, as amended,  
228 shall be disqualified from operating a commercial motor vehicle. The  
229 period of disqualification may not exceed thirty days unless the  
230 commissioner is satisfied that the Federal Motor Carrier Safety  
231 Administration has complied with the procedures for review and  
232 hearing set forth in 49 CFR 383.52.

233 (k) After taking disqualification action, or suspending, revoking or  
234 cancelling a commercial driver's license, the commissioner shall  
235 update the commissioner's records to reflect such action within ten  
236 days. After taking disqualification action, or suspending, revoking or



237 cancelling the operating privileges of a commercial driver who is  
 238 licensed in another state, the commissioner shall notify the licensing  
 239 state of such action within ten days. Such notification shall identify the  
 240 violation that caused such disqualification, suspension, cancellation or  
 241 revocation. The period of any disqualification imposed under this  
 242 subsection shall be concurrent with the period of any other  
 243 disqualification or suspension imposed on such commercial driver.

244 Sec. 7. Subsection (d) of section 14-163c of the general statutes is  
 245 repealed and the following is substituted in lieu thereof (*Effective July*  
 246 *1, 2006*):

247 (d) Any state or municipal police officer or motor vehicle inspector  
 248 may (1) inspect any motor vehicle specified in subsection (a) of this  
 249 section in operation and examine its operator to determine compliance  
 250 with the provisions of 49 CFR 382 to 397, inclusive, as amended, (2)  
 251 enter upon the premises of any motor carrier, as defined in 49 CFR  
 252 390.5, as amended, for the purpose of inspecting records maintained  
 253 by such carrier, (3) conduct a safety rating procedure, in accordance  
 254 with the provisions of 49 CFR 385, as amended, for any motor carrier  
 255 that owns or operates any motor vehicle identified in subsection (a) of  
 256 this section and, subject to notice and opportunity for hearing in  
 257 accordance with the provisions of chapter 54, order any motor carrier  
 258 with an unsatisfactory safety rating to cease operations until such time  
 259 as it achieves a satisfactory rating, (4) declare a motor vehicle or its  
 260 operator out of service as provided in 49 CFR 395.13 and 396.9, as  
 261 amended, or (5) issue an infractions complaint under the provisions of  
 262 this section, provided such officer or inspector meets the standards  
 263 established by the commissioner, in consultation with the  
 264 Commissioner of Public Safety, in regulations adopted in accordance  
 265 with the provisions of chapter 54.

266 Sec. 8. Subsection (f) of section 54-56g of the general statutes is  
 267 repealed and the following is substituted in lieu thereof (*Effective July*  
 268 *1, 2006*):

269 (f) The provisions of this section shall not be applicable in the case of  
 270 any person charged with a violation of section 14-227a, as amended,  
 271 while operating a commercial motor vehicle, as defined in section 14-1,  
 272 as amended, or who is the holder of a commercial driver's license, as  
 273 defined in section 14-1 of the 2006 supplement to the general statutes.

274 Sec. 9. Subsection (a) of section 14-18 of the general statutes is  
 275 repealed and the following is substituted in lieu thereof (*Effective July*  
 276 *1, 2006*):

277 (a) (1) Each motor vehicle for which one number plate has been  
 278 issued shall, while in use or operation upon any public highway,  
 279 display in a conspicuous place at the rear of such vehicle the number  
 280 plate. Each such motor vehicle shall also display a sticker [on the  
 281 number plate] inside the windshield or elsewhere on the vehicle, as the  
 282 commissioner may direct, denoting the expiration date of the  
 283 registration. Such sticker may contain the corresponding letters and  
 284 numbers of the registration and number plate, as assigned by the  
 285 commissioner.

286 (2) Each motor vehicle for which two number plates have been  
 287 issued shall, while in use or operation upon any public highway,  
 288 display in a conspicuous place at the front and the rear of such vehicle  
 289 the number plates. Each such motor vehicle shall also display a sticker  
 290 [on the rear number plate] inside the windshield or elsewhere on the  
 291 vehicle, as the commissioner may direct, denoting the expiration date  
 292 of the registration, which may contain the corresponding letters and  
 293 numbers of the number plate, as assigned by the commissioner.

294 Sec. 10. Section 14-20 of the general statutes is repealed and the  
 295 following is substituted in lieu thereof (*Effective July 1, 2006*):

296 (a) The commissioner may issue special number plates for antique,  
 297 rare or special interest motor vehicles, such special number plates to be  
 298 issued on a permanent basis. The commissioner shall charge a fee for  
 299 such plates which shall cover the entire cost of making the same. An

owner of an antique, rare or special interest motor vehicle may use such owner's own porcelain number plate in place of the plates issued by the commissioner provided (1) such plate was originally issued by the department, and (2) such owner files with the commissioner a description and the number of such plate and any additional information the commissioner may require.

(b) Notwithstanding the provisions of subsection (a) of this section, section 14-18, as amended by this act, and section 14-21b, the owner of an antique, rare or special interest motor vehicle may be authorized by the commissioner to display a number plate originally issued by the Commissioner of Motor Vehicles corresponding to the year of manufacture of such antique, rare or special interest motor vehicle. The commissioner shall issue a certificate of registration, as provided in section 14-12, as amended. Such registration shall be valid, subject to renewal, as long as the commissioner permits. Thereafter, the registration number and number plates, if any, which were assigned to such motor vehicle before such registration and number plates were issued under this section, shall be in effect. Each such number plate authorized for use by the commissioner shall be displayed in a conspicuous place at the rear of such motor vehicle at all times while the vehicle is in use or operation upon any public highway. A sticker shall be affixed to [each such number plate] the inside of the windshield to denote the expiration date of the registration, unless the commissioner authorizes the sticker, or other evidence of the period of the registration, to be placed elsewhere or carried in such motor vehicle. Such sticker may contain the corresponding letters and numbers of the registration and number plate. The commissioner may adopt regulations, in accordance with chapter 54, to implement the provisions of this subsection.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2006	14-1(a)(13)
Sec. 2	July 1, 2006	14-1(a)(18)

Sec. 3	<i>July 1, 2006</i>	14-1(a)(32)
Sec. 4	<i>July 1, 2006</i>	14-1(a)(34)
Sec. 5	<i>July 1, 2006</i>	14-44e
Sec. 6	<i>July 1, 2006</i>	14-44k
Sec. 7	<i>July 1, 2006</i>	14-163c(d)
Sec. 8	<i>July 1, 2006</i>	54-56g(f)
Sec. 9	<i>July 1, 2006</i>	14-18(a)
Sec. 10	<i>July 1, 2006</i>	14-20

***Statement of Purpose:***

To implement the Governor's budget recommendations.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*